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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the within petition and attachments were filed with the United States Patent and Trademark Office on August 29, 2006, by facsimile to (571) 273-8300.

  
Tina Manor

13 pages

101137-62

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Jacobus Johannes Frederik Van Veen  
SERIAL NO.: 10/527,121  
INT'L APPL. NO.: PCT/NL2003/000629  
INT'L APPL. DATE : September 10, 2003

August 29, 2006

Hon. Commissioner of Patents  
Washington, D.C. 20231

**PETITION UNDER 37 CFR § 1.181(a)  
TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

Per Notice of Abandonment dated August 4, 2006, the above-identified application is held abandoned for failure to timely respond to the Notice of Missing Requirements dated August 31, 2005. The present petition is being filed within two (2) months of said Notice of Abandonment.

The holding is in error as a response to the Notice of Missing Requirements was filed with the Office on September 28, 2005. Copies of the papers as filed, including the Declaration, and the facsimile confirmation sheet, are enclosed. We confirm that the

undersigned's Deposit Account was not charged for the late filing of the declaration.

Applicants respectfully request that the Commissioner exercise his authority and withdraw the holding of abandonment, acknowledge that a response to the Notice to File Missing Requirements has been filed, and accordingly proceed to issue the filing receipt.

A fee for filing of the declaration is believed to be due. The Commissioner is hereby authorized to charge the late declaration fee and any other fees deemed to be due to Deposit Account No. 14-1263.

No fee is believed to be due for consideration of this petition. However, should the Commissioner determine that a fee is, in fact, due, he is hereby authorized to charge the fee deemed to be due to Deposit Account No. 14-1263.

#### **CONDITIONAL PETITION TO REVIVE**

If the above request for withdrawal of abandonment is denied, then the undersigned hereby files a petition to revive under 37 CFR 1.155(c) and 1.1316(c).

The entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition was unintentional.

If the petition to withdraw the holding of abandonment is not granted, and the conditional petition is necessary, please charge the required petition fee to deposit account no. 14-1263.

Although applicant has already filed a Response to the Notice to File Missing Requirements, this document is again submitted and this present response is to be considered as the Response to Notice of Missing Requirements. The \$65 fee was not charged as set forth above and the Commissioner is hereby authorized to charge all fees

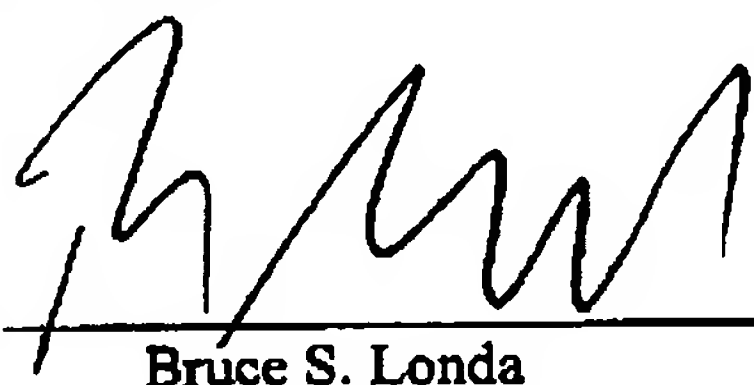
due to the above deposit account.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punished by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS

By   
Bruce S. Londa  
Reg. No. 33,531

Norris, McLaughlin & Marcus, P.A.  
875 Third Avenue, 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844

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TRANSMISSION VERIFICATION REPORT

TIME : 09/28/2005 15:20  
NAME : NORRIS MCLAUGHLIN  
FAX : 2128080844  
TEL : 2128080700  
SER.# : BROJ3J677379

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

09/28 15:17  
917033053230  
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09  
OK  
STANDARD  
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**NORRIS, MCLAUGHLIN & MARCUS**

A PROFESSIONAL CORPORATION

875 THIRD AVENUE  
18<sup>TH</sup> FLOOR  
New York, NY 10022  
(212) 808-0700  
Facsimile: (212) 808-0844

**FACSIMILE COVER SHEET**

September 28, 2005

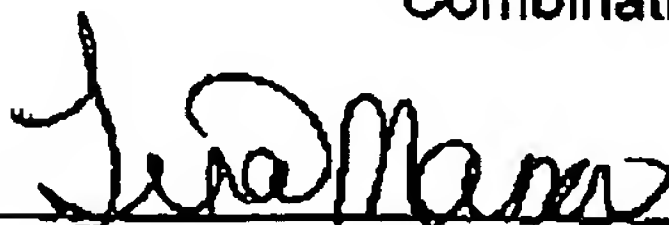
TO: Mail Stop Missing Requirements  
Serial No.: 10/527,121  
TELEFAX: Fax # (703) 305-3230  
COMPANY/FIRM: United States Patent and Trademark Office  
FROM: Tina Manor for Bruce S. Londa  
ATTORNEY DOCKET NO.: 101137-62

**MESSAGE:**

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Response to Notice of File Missing Requirements (3 pages)  
Copy of Notice to File Missing Requirements (2 pages)  
Combination Declaration & Power of Attorney (3 pages)

By



Tina Manor

Date September 28, 2005

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875 THIRD AVENUE  
18<sup>TH</sup> FLOOR  
New York, NY 10022  
(212) 808-0700  
Facsimile: (212) 808-0844

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**FACSIMILE COVER SHEET**

September 28, 2005

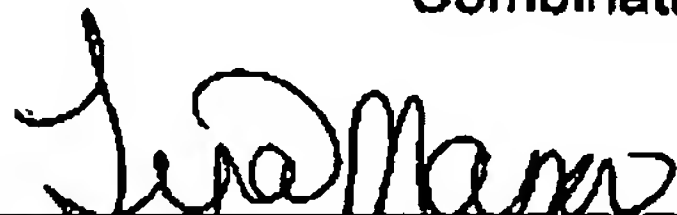
TO: Mail Stop Missing Requirements  
Serial No.: 10/527,121  
TELEFAX: Fax # (703) 305-3230  
COMPANY/FIRM: United States Patent and Trademark Office  
FROM: Tina Manor for Bruce S. Londa  
ATTORNEY DOCKET NO.: 101137-62

**MESSAGE:**

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Response to Notice of File Missing Requirements (3 pages)  
Copy of Notice to File Missing Requirements (2 pages)  
Combination Declaration & Power of Attorney (3 pages)

By



Tina Manor

Date September 28, 2005

We are transmitting 9 pages, including cover page. If the transmission is not complete, please call (212) 808-0700 and ask for Tina Manor at Ext. 687.

This is the only form of delivery for this document:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

New Jersey Office: 721 Route 202-206  
P.O. Box 1018  
Somerville, NJ 08876-1018  
Telephone: (908) 722-0700 Facsimile: (908) 722-0755

<b>Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Large Entity)</b>					<b>Docket No. 101137-62</b>	
In Re Application Of: <b>Jacobus Johannes Frederik Van Veen</b>						
Application No. <b>10/527,121</b>	Filing Date <b>March 8, 2005</b>	Examiner <b>TBA</b>	Customer No. <b>27387</b>	Group Art Unit <b>TBA</b>	Confirmation No. <b>3192</b>	
Invention: <b>Method for the Non-Invasive Detection of Microorganisms in a Closed Container</b>						
<u>Mail Stop Missing Parts</u> <b>COMMISSIONER FOR PATENTS:</b>  This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on <u>August 31, 2005</u> <i>Date</i>  Enclosed herewith for filing are the following:  <input checked="" type="checkbox"/> A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). <b>(REQUIRED)</b>  <input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.  <input checked="" type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.63.  <input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.  <input type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.  <input type="checkbox"/> Other (list): <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>						

<b>Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Large Entity)</b>					<b>Docket No. 101137-62</b>	
In Re Application Of: <span style="float: right;">Jacobus Johannes Frederik Van Veen</span>						
Application No. <b>10/527,121</b>	Filing Date <b>March 8, 2005</b>	Examiner <b>TBA</b>	Customer No. <b>27387</b>	Group Art Unit <b>TBA</b>	Confirmation No. <b>3192</b>	
Invention: <b>Method for the Non-Invasive Detection of Microorganisms in a Closed Container</b>						
<u>TO THE COMMISSIONER FOR PATENTS:</u> <u>Mail Stop Missing Parts</u>						
<input checked="" type="checkbox"/> Completion of application fees as calculated below:						
<input type="checkbox"/> Utility application basic fee						
<input type="checkbox"/> Design application basic fee						
<input type="checkbox"/> Search Fee						
<input type="checkbox"/> Examination Fee						
<input type="checkbox"/> Total number of independent claims = _____						
<input type="checkbox"/> Total number of claims = _____						
<input type="checkbox"/> Multiple dependent claims						
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath				<b>\$130.00</b>		
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor						
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification						
<input type="checkbox"/> Fee for processing and retention of application						
09/05/006 GFREY1 00000057 141263 10527121				<b>Total completion of application fees \$130.00</b>		
01 FC: 617 130.00 DA						
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.						
<input type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months						
from: _____ until: _____						
<i>Date</i> <span style="margin-left: 100px;"><i>Date</i></span>						
Total time extension fees						
Total fees due						<b>\$130.00</b>



**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**Docket No.  
101137-62

In Re Application Of:

Jacobus Johannes Frederik Van Veen

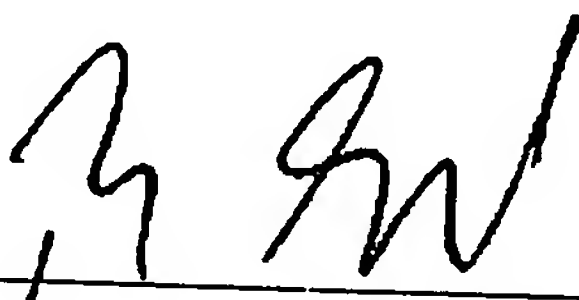
Application No.  
10/527,121Filing Date  
March 8, 2005Examiner  
TBACustomer No.  
27387Group Art Unit  
TBAConfirmation No.  
3192

Invention: Method for the Non-Invasive Detection of Microorganisms in a Closed Container

**TO THE COMMISSIONER FOR PATENTS:****Mail Stop Missing Parts**

The fee of \$130.00 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 14-1263
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 14-1263
- ☐ Payment by credit card. Form PTO-2038 is attached.

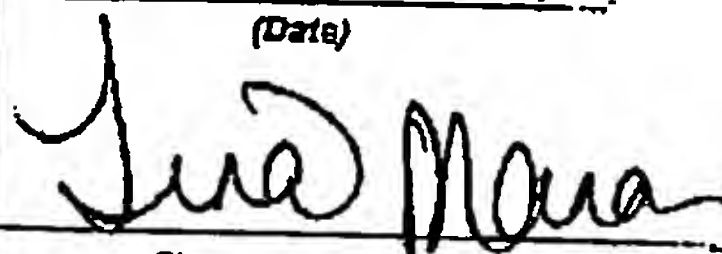
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**  
Signature

Dated: September 28, 2005

Bruce S. Londa  
Reg. No. 33,531  
Norris McLaughlin & Marcus, P.A.  
875 Third Avenue, 18th Floor  
New York, NY 10022

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on  
September 28, 2005 (via fax)

(Date)



Signature of Person Mailing Correspondence

Tina Manor

Typed or Printed Name of Person Mailing Correspondence

[Page 3 of 3]

P31LARGE/REV05



AUG 29 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/527,121	Jacobus Johannes Frederik Van Veen	101137-62 <i>DSL</i>
INTERNATIONAL APPLICATION NO.		
PCT/NL03/00629		
LA. FILING DATE	PRIORITY DATE	
09/10/2003	09/10/2002	

 27387  
 NORRIS, MCLAUGHLIN & MARCUS, P.A.  
 875 THIRD AVE  
 18TH FLOOR  
 NEW YORK, NY 10022

 CONFIRMATION NO. 3192  
 371 FORMALITIES LETTER  
 \*OC000000016905187\*  
 \*OC000000016905187\*

Date Mailed: 08/31/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/08/2005
- Copy of the International Search Report filed on 03/08/2005
- Preliminary Amendments filed on 03/08/2005
- Request for Immediate Examination filed on 03/08/2005
- Copy of references cited in ISR filed on 03/08/2005
- U.S. Basic National Fees filed on 03/08/2005
- Priority Documents filed on 03/08/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,121	PCT/NL03/00629	101137-62

FORM PCT/DO/EO/905 (371 Formalities Notice)

**Declaration and Power of Attorney Patent Application  
(Design or Utility)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD FOR THE NON-INVASIVE DETECTION OF MICROORGANISMS IN A  
CLOSED CONTAINER**

the specification of which

- ☐ is attached hereto  
☒ was filed on September 10, 2003 as PCT International Application number  
PCT/NL2003/000629 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information know to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 35 U.S.C. §365(b) of any foreign application(s) for patent or inventor's certificate, or 35 U.S.C. §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate of PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)		
Number 1021420	Country NL	Day/Month/Year Filed 10/09/2002
Number	Country	Day/Month/Year Filed
Number	Country	Day/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s)	
Serial Number	Day/Month/Year Filing Date
Serial Number	Day/Month/Year Filing Date
Serial Number	Day/Month/Year Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or under 35 U.S.C. §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Prior U.S. or International Application(s)		
Serial Number PCT/NL2003/000629	Day/Month/Year Filed 10/09/2003	Status (patented, pending, abandoned) pending
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### Power of Attorney


As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Attorney	Registration Number
Bruce S. Londa	33,531
Lorimer P. Brooks	15,155
William R. Robinson	27,224
Kurt G. Brisco	33,141
William C. Gerstenzang	27,552
Robert A. Hyde	46,354
Davy E. Zoneraich	37,267
Mark A. Montana	44,948
Stephen G. Ryan	39,015

I hereby authorize them or others whom they may appoint to act and rely on instructions from and communicate directly with the person/organization who/which first sends this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instructed otherwise.

Please direct all correspondence in this case to at the address indicated below:

NORRIS, MCLAUGHLIN & MARCUS, P.A.  
220 East 42<sup>nd</sup> Street, 30<sup>th</sup> Floor  
New York, New York 10017  
United States of America

Full Name of Sole or First Inventor		
Family Name	First Given Name	Second Given Name
van Veen	Jacobus	Johannes, F.
Residence and Citizenship		
City of Residence	State or Country of Residence	Country of Citizenship
Badhoevedorp	The Netherlands	The Netherlands
Post Office Address		
Street Address	City	State & Zip Code or Country
Nieuwemeerdijk 328	Badhoevedorp	1171 NT
Signature of Inventor		Date
		10-03-2008